

### **REMARKS**

Previous claims stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by a patent by Rochkind (U.S. Patent No. 6,301,608) or as allegedly being unpatentable over Rochkind in view of a Patent by Lim et al. (U.S. Patent No. 5,883,942; hereinafter referred to as "Lim") or Katz (U.S. Patent No. 5,646,839). Applicants have added new claims 98-118, which clarify the claimed subject matter and clearly distinguish the Applicants' claimed subject matter from the cited art. Applicants contend that the cited art, either singly or in combination, teach or suggest the claimed subject matter of claims 98-118.

With respect to independent claims 98, 106 and 113, the cited art does not teach or suggest prioritizing incoming messages based upon information that is inherently in the message or its header. For example, Rochkind employs a file extension tag that requires prior agreement between the sender and the receiver so that the sender includes a predefined tag in the sent message. Applicants' claimed method and system do not require any such cooperation and Applicants respectfully request allowance of these claims.

In addition, the Office Action dated 12/11/02 states that Rochkind's system can "sort and prioitize the message into their respective mailbox" (O.A., p. 8, line 4). Applicants contend that this does not teach or suggest prioritizing incoming mail messages within a subscriber's mailbox. In other words, Rochkind employs a predefined tag, not required by the Applicant's system, to sort mail into mailboxes but does not prioritize within mailboxes. In addition, Applicants contend that Rochkind's "sorting" does not suggest Applicants' "prioritizing" because sorting and prioritizing are types of different operations.

With respect to dependent claims 102, 111 and 117, the cited art does not employ voice prints to either sort or prioritize messages. Rather, Katz suggests voice prints merely for access control; i.e. to determine whether or not to allow a caller to access the system. The Office Action admits this distinction by pointing out that in Katz's system, "The person is recognized before they can leave a voice message." (O.A., p. 6, lines 19-20). Clearly, Katz can not teach a system that prioritizes a message based upon a voice print if a particular message is not even stored because of its voice print. Once access is granted based upon a voice print, Katz does not suggest any further processing based upon the voice print. Therefore, Katz can not be combined with Rochkind to teach or suggest this capability and Applicants respectfully request allowance of these claims.

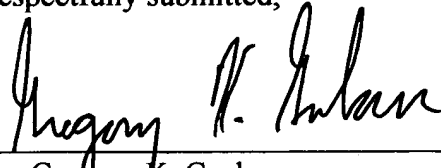
In order to reject a claimed invention under §102(e), the cited reference must teach every aspect of the claimed invention either explicitly or impliedly. (M.P.E.P. §706.02). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, "All words in a claim must be considered in judging the patentability of that claim against prior art." (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970)).

In addition, claims 99-105, 107-112 and 114-118 are allowable as being dependent upon allowable base claims and Applicants also respectfully request allowance of these claims as well.

### CONCLUSION

It is respectfully submitted that all issues and rejections have been adequately addressed and that pending claims 98-118 are allowable and that the case should be advanced to issuance. If the Examiner has any questions or wishes to discuss the claims, the Examiner is encouraged to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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